

### **REMARKS**

This is a response to the non-final Office Action dated October 30, 2008. Claims 30-31 and 33-47 are pending. Claims 30, 31, 33, and 47 are independent claims. Claim 32 is canceled herein without prejudice. Claims 30 and 31 are amended.

In the Office Action, the Examiner rejected claims 30-32 as anticipated by Schneidewend (U.S. Patent 6,249,320) under 35 U.S.C. § 102(e), and objected to claims 41-46 as depending from rejected base claims. Further, claims 33-40 and 47 were allowed.

In view of the following arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action.<sup>1</sup> Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2).

#### **I. Section 102 Rejections – Claims 30 and 31**

Independent claim 30 recites:

An apparatus for providing channel selection, the apparatus comprising:

a receiver operative to receive a plurality of channels, at least one of the channels being an anchor channel having at least one multiplexed channel associated therewith;

an indication selectively superimposed over a display of a channel of the plurality of channels; wherein the indication is operative to indicate whether the channel is an anchor channel;

a first channel control switch to sequentially navigate the plurality of channels; and

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<sup>1</sup> As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome the present rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future. Further, Applicants do not necessarily agree with or acquiesce to the Examiner's characterizations of the scope and meaning of their claims.

a second channel control switch to navigate said at least one multiplexed channel.

Claim 30 was rejected as allegedly anticipated by Schneidewend. However, Schneidewend teaches at most displaying an electronic program guide (Schneidewend, Figs. 12-13) of channel identifiers (Schneidewend, col. 2, lines 6-13), and navigating the fields of the program guide containing the channel identifiers. (Schneidewend, col. 11, line 37 – col. 12, line 19.) From the program guide, a user may select a minor channel for viewing (Schneidewend, Fig. 11, steps 1120 and 1150). After the user selects a minor channel for viewing, the corresponding minor channel is displayed (Schneidewend, Fig. 11, step 1125) and the Schneidewend process ends (Schneidewend, Fig. 11, step 1900). Schneidewend does not teach or suggest displaying any form of program guide while a program channel is displayed. Schneidewend also does not teach or suggest viewing the major channels, and in fact teaches that, within the program guide, selecting a major channel results only in expansion of the program guide to display the minor channel indicators (Schneidewend, Fig. 11, steps 1140 and 1145).

Accordingly, Schneidewend does not teach or suggest “an indication selectively superimposed over a display of a channel” because Schneidewend teaches a display of an electronic program guide of channel identifiers (Schneidewend, col. 1, line 66 – col. 2, line 13), not a display of the channels themselves. At most, Schneidewend teaches that a channel may be selected from the program guide for display (Schneidewend, Fig. 11). However, once a channel is displayed, Schneidewend’s program guide display process ends (Schneidewend, Fig. 11, step 1900). Neither Schneidewend’s program guide nor the associated channel identifiers are ever “superimposed” over any channel, nor indeed do they appear to be associated with a display of a channel in any manner whatsoever. Therefore, Schneidewend cannot teach or suggest “an indication selectively superimposed over a display of a channel of the plurality of channels.”

Moreover, Schneidewend does not teach or suggest to “navigate the plurality of channels.” As discussed above, Schneidewend at most teaches to navigate through channel

indications in a program guide, not to “navigate the plurality of channels,” and also not to “navigate said at least one multiplexed channel.”

For at least these reasons, claim 30 is patentable over Schneidewend. For similar reasons, independent claim 31 is also patentable over Schneidewend.

### **CONCLUSION**

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associate with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under Order No. 65632-0151. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

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Respectfully submitted,

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